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on:

Oct-7, 2003 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of Davis-Hoover, et al.

USPN 09/970,643

Filed: October 5, 2001

Title: METHOD FOR REDUCING BIO-AVAILABILITY OF LEAD BY A LEAD SEQUESTERING SOIL BACTERIUM

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AMENDMENT AND RESPONSE

OCT 22 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is a Response to the Office Action mailed July 7, 2003. Attached hereto is a Notice of Intent to Appeal along with the required fee.

There are no amendments to the claims. The following page contains the listing of the claims:

Claims 1-4 (canceled)

Claim 5 (previously amended)

A composition of claim 7 in an environment containing arsenic.

Claim 6 (previously amended)

A composition of claim 7 in an environment containing cadmium.

Claim 7 (previously presented)

A composition of matter comprising Pseudomonas aeruginosa strain CHL004 which has been assigned ATCC number 55937 growing on a solid matrix wherein said matrix also contains iron.

Response to Rejections

The examiner has reiterated the rejections of the prior office action. It was previously unclear to the respondent what the examiner was referring to at col. 33, lines 26-31. It is now believed that the appropriate recitation would be col. 32, lines 26-31.

Claims 5-7 have been rejected under 35 U.S.C. 103 as unpatentable over Vesper, et al, taken with U.S. 4,728,427 and U.S. 5,863,570. The rejection is respectfully traversed. The claims relate to the organism of interest on a solid matrix wherein the matrix has iron added thereto. As indicated at page 4, lines 30-34, and exemplified at the paragraph bridging pages 6 and 7, the iron is added to a matrix. The iron does not form the entire body of the matrix, but only makes it possible to withdraw the contaminated material sequestered by use of electromagnets. As mentioned above, it appears more likely that the part of '570 which the examiner wanted to refer to was col. 32, lines 26-31. It should be noted that the only form of iron named to is iron oxide. It is then stated that the support may be "solid particles that can be removed from the aqueous solutions due to inherent magnetic ability." It is quite unclear what is meant by that statement, though it certainly does not refer to a support matrix made up of a (non-iron) material to which iron has been added. It would appear it refers to some other material, since the only reference to iron is the oxide of iron, and not a matrix containing iron. Iron, other than the oxide, is not suggested in the reference, and

is not identified as an additional addition to a matrix which is the support for the organisms.

It is unfortunate that the incorrect portion of the reference was addressed earlier, since the prior response related to the col. 33, as cited by the Examiner.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Glenna Hendricks".

Glenna Hendricks, Reg. No. 32,535